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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,091	07/05/2001	Kornelis A. Schouhamer Immink	PHN 14, 746R	3533
24737	7590	11/02/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			JEAN PIERRE, PEGUY	
			ART UNIT	PAPER NUMBER
			2819	
DATE MAILED: 11/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/899,091

### Applicant(s)

SCHOUHAMER IMMINK,  
KORNELIS A.

### Examiner

Peguy JeanPierre

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-3,6,7 and 10-126 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13,14,17-56,59-87,92-106 and 108-116 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/15/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-14, 17-56, 59-87, 80-85, 92-106, 108-116 are rejected under 35 U.S.C. 103(a) as being unpatentable over French et al. (IEEE Transactions on Consumer Electronics, Vol. 4, No 4, November 1988) in view of Baldwin (USP (4,851,837)).

French discloses a method for processing digital signals that can be implemented into a record carrier. The method of French relies on a modulation technique in which each information signal portion belonging to a group of the first type uniquely represents an information word. For instance, in Figure 5, with regard to stating state "1", each information signal portion (0000 ..... 1001) represents a unique information word (00000001...00100100). French fails to disclose an information signal that comprises a group of the second type having p bit cells at predetermined positions that represents a unique information word.

Baldwin discloses a method for processing digital signals that can be implemented into a record carrier. The system comprises in Figure 6 an encoder that utilizes first and second codebooks having n-bit cells. The codebook comprises a plurality of code words illustrated in Figures 10A-J. The code words are characterized by bits that represent the

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information signal portion having a first "0" and a second "1" signal values (see col. 2, lines 23-36). Figure 3 of Baldwin shows codebook having bit cells at a predetermined positions. The system of Baldwin selects codeword on the basis of the immediately preceding codeword used. Therefore, it would have been obvious to one having ordinary skill in the art to combine the group of the first type of French and the group of the second type of Baldwin for the benefit of selecting unique information word that corresponds to the information signal to improve the modulation scheme so critical in recording system.

***Allowable Subject Matter***

3. Claims 1-3, 5-7, 10-12, 15-16, 57-58, 79, 86-91, 107, and 117-126 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach a recording system that includes sync signal portions that synchronize bit cell patterns that do not occur in the sequence of successive information signals; the information signal belongs to a group of a first type and a group of a second type.

***Response to Arguments***

5. Applicant's arguments with respect to claims 13-14, 17-56, 59-87, 80-85, 92-106, 108-116 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peguy JeanPierre whose telephone number is (571) 272-1803. The examiner fax phone number is (571) 273-1803.

*Peguy JeanPierre*  
PEGUY JEANPIERRE  
PRIMARY EXAMINER  
11/12/04